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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,747	01/16/2002	Mike Oberberger	29757/P-721	7807
4743	7590	11/16/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,747

Applicant(s)

OBERBERGER, MIKE

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/15/05; 10/24/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Request for Continued Examination and Amendment filed October 17, 2005 have been received. According to the Amendment, claims 1-50 have been canceled and new claims 51-89 have been added. Currently, claims 51-89 are pending in the application. Acknowledgment has been made.

Claim Objections

On line 1 of claims 52-56, 65-69, and 78-82, the word "wherein" should be inserted after the comma (,).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 51-63 and 77-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 51 and 77, the limitations of "a memory device storing...of gaming units" (claim 51, lines 6-8); and providing a memory device...of gaming units" (claim 77, lines 5-7) render the claim vague and indefinite since it unclear where is the memory device located within the system. For the purpose of examination, the memory is hereby considered to belong to the monitoring apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg et al. (6,595,856) in view of Nguyen (US 2002/0071557).

Referring to claims 51, 64, and 77 Ginsburg et al. teaches a gaming system (or method having steps for providing thereto) comprising: a plurality of gaming units (300) coupled to a data network (Fig.6), each gaming unit having a configuration for executing a game application enabling a player to play a game of chance on the gaming unit, a configuration of the gaming system defined by the plurality of gaming unit configurations (3:8-15); a memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17) storing verification code; a monitoring apparatus separate from the gaming units (one of gaming machine 300, 3:23-40; 9:10-21; Fig. 6), the monitoring apparatus coupled to the data network to monitor the plurality of gaming units, the monitoring apparatus including a processor programmed to: i) compare a real-time parameter value (live code, 8:16-27) with the verification code parameter value, the real-time parameter value (live code) determined from a current configuration of the plurality of gaming unit configurations, ii) determine that the gaming system configuration is not in compliance with the verification code when the real-time parameter exceeds the verification parameter value, and iii) when the gaming system configuration is not in compliance with the verification code,

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prevent reconfiguration of the gaming system configuration (4:24-39). Ginsburg et al. does not explicitly teach storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units.

Nguyen, however, teaches a secured virtual network in a gaming environment comprising storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units (paragraphs 16, 17, and 20). Regarding the limitations of indicating an exceeded license parameter value, since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system and method of Ginsburg et al. with the gaming network management and licensing, as taught by Nguyen, to enhance security and maximize capability of gaming network.

Referring to claims 52, 53, 65, 66, 78, and 79, Nguyen teaches the gaming system configuration including a function of the gaming system; and wherein the gaming system configuration including a function of a device (license server) coupled to the data network (paragraphs 15 and 16).

Referring to claims 54-56, 67-69, and 80-82, Ginsburg et al. teaches the monitoring apparatus coupled to continuously receive data from all of the plurality of gaming units (Fig.6); the monitoring apparatus further including a display coupled to the processor, the processor further programmed to display a message indicating an exceeded verification parameter when the gaming system configuration is not in compliance with the verification code (4:24-28); and the monitoring apparatus further including an input device coupled to the processor, the input device accessible by a gaming system operator (4:24-28).

Referring to claims 57, 70, and 83, wherein preventing reconfiguration of the gaming system configuration without interrupting game play on the gaming units includes preventing an operator from reconfiguring the gaming system configuration, it is obvious to prevent interruption of the game system when someone tried to tamper a game machine to keep the entire gaming system stable.

Referring to claims 58, 60, 71, 73, 84 and 86, wherein the license parameter value is a maximum allowable number of gaming units in the gaming system, and the real-time parameter value is a current number of gaming units coupled to the data network; and wherein the license parameter value is a maximum allowable number of operator workstations that may be incorporated in the gaming system, and the real-time parameter value is a current number of operator workstations coupled to the data network; since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit.

Referring to claims 59, 61-63, 72, 74-76, 85, and 87-89, Nguyen teaches the license parameter value is a valid gaming system operation mode of the gaming system, and the real-time parameter value is a current operation mode of the gaming system (i.e., the number of working or licensed game machines and the number of valid game licenses); the license parameter value is a maximum allowable number and type of reports that may be generated by the gaming system, and the real-time parameter value is a current number and type of reports being generated by the gaming system (paragraph 10); the license parameter value is a site identification of the gaming system, and the real-time parameter value is a current site identification incorporated in the gaming system; and the license parameter value is an expiration date of the license, and the real-time parameter value is a current date of the gaming system (paragraph 69).

Conclusion

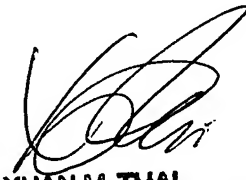
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN


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TC3700